

REMARKS

The undersigned would like to thank the Examiner for having a helpful discussion with him on January 16, 2008, about the restriction requirement made in the Office Action.

Paragraph 1 of the Office Action presented three claim groups for election. In response the applicants have canceled the claims of Group III, that is, claims 53-60, and has elected the claims of Group II, that is, claims 26-52, with traverse only to the requirement for restriction between Groups I and II..

The above claim listing makes no changes to the claims other than to cancel unelected claims 53-60 which were listed as being in Group III by the restriction requirement. The unelected Claims 1-25 of Group I listed in the restriction requirement remain in the claim outline. They have not been listed as "Withdrawn", because it appears from the undersigned's reading of the MPEP that only the Examiner is to withdraw claims in response to an election. Furthermore, the applicants are traversing the restriction requirement with regard to the alleged need to choose between Groups I and II, and therefore hope that either claims 1-25 will not be withdrawn, or, if such claims are withdrawn, that any such withdrawal, itself, will itself be withdrawn and that the such claims will be reinstated.

Paragraph 2 of the Office Action stated that the restriction between groups I and II were justified because the invention of group I is a combination and that of group II is a subcombination, implying that the conditions for restriction set in MPEP § 806.05(c) for such a combination and subcombination have been met. This MPEP section states:

"To support a requirement for restriction between combination and subcombination inventions, both two-way distinctness and reasons for insisting on restriction are necessary, i.e., there would be a serious search

burden if restriction were not required as evidenced by separate classification, status, or field of search...." (Underlining Added.)

Paragraph 4 of the Office Action, cited MPEP § 806.05(j) as an additional justification for restriction between Groups I and II. This MPEP section states:

"To support a requirement for restriction between two or more related product inventions, or between two or more related process inventions, both two-way distinctness and reasons for insisting on restriction are necessary, i.e., separate classification, status in the art, or field of search."

The applicants are not rendering an opinion on the Examiner's argument that there is distinctness between the inventions of Group I and Group II as defined in the above quoted MPEP sections 806.05(c) and 806.05(j). As is indication in MPEP § 818.03(b) any argument against the examiner's reasoning on the issues of distinction would be equivalent to an admission that there was no patentable distinction between the inventions of Group I and Group II. The applicants are not making such an admission.

Instead the applicants are arguing that the following requirement of both of these MPEP sections, underlined in the above quotes from each of them, has not been met with regard to the requested restriction between the inventions of Group I and II – i.e., the requirement that the "reasons for insisting on restriction are necessary."

First, there does not appear to be any statement in the Office Action showing that the "reasons for insisting on restriction are necessary." In fact, Paragraph 4 states the inventions of Groups I and II "overlap in scope because they represent two different ways of building acoustic phoneme models."

Second, the summary of the inventions of the two groups in Paragraph 2 appears to have failed to acknowledge the very important common features of both groups, which is acoustic models for speech recognition that are purposely blurred (i.e.,

blended) to reflect the types of phonetic spelling errors made by a speech recognition pronunciation guesser. Paragraph 1 of the Office Action states that the inventions of Groups I and II have been classified in different subclasses, but this sub-classification may well be based on a failure to understand the above mentioned important similarities between the inventions of both of these groups.

Although it might not be immediately apparent from reading the claims in Groups I and II, the acoustic blurring involved in the blended acoustic models recited in all the claims of Group II would result automatically from the training using the error making pronunciation guessers recited in all the claims of Group I. Traditionally such blurring of acoustic models would be considered undesirable, but the inventors have realized that, where the blurring of such models is made to correlate with the errors made by the pronunciation guesser that generates phonetic spelling used in speech recognition, such blurring can actually improve recognition performance significantly.

Once this very important similarity is recognized between the claims in both groups, the argument that there would be an undue burden to examine the claims in both groups, becomes much weaker. It is respectfully submitted that with the recognition of this important similarity, the argument for such undue burden becomes sufficiently weak that the restriction requirement between Groups I and II in the Office Action should be reconsidered and withdrawn.

The applicants respectfully request such reconsideration and withdrawal.

Respectfully Submitted,

/Edward W. Porter/

Edward W. Porter
Registration No.28,892
Porter & Associates
24 String Bridge S12
Exeter, NH 03833
617-494-1722